

**UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF
OKLAHOMA**

1. GREAT LAKES INSURANCE SE,)	
)	
Plaintiff,)	
)	Case No. CIV-22-00702-JD
vs.)	Judge Jodi W. Dishman
)	
2. FREDY VALLE d/b/a VALLE)	
TRUCKING;)	
3. SILVER STAR CONSTRUCTION)	
COMPANY, INC.;)	
4. TYLON MACKEY;)	
5. ISRAEL JUAREZ;)	
6. ORD TRUCKING, INC.)	
7. ZURICH AMERICAN INS. CO.,)	
)	
Defendants,)	
)	
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8. ZURICH AMERICAN INS. CO.,)	
)	
Defendant/Third Party)	
Plaintiff,)	
)	
vs.)	
)	
9. PROGRESSIVE NORTHERN INS.)	
CO.,)	
)	
Third-Party Defendant.)	

DEFENDANT, TYLON MAKEY'S FINAL WITNESS LIST

Defendant, Tylon Mackey, pursuant to the Court's Scheduling Order (Doc. No. 56), respectfully submits its Final Witness List.

Witnesses

No.	Name	Address/ Telephone	Proposed Testimony	Will be Called/May be Called
1.	Tylon Mackey	<p>c/o James Scimeca Burch, George, Germany 204 N. Robinson Ave., Ste. 1500 Oklahoma City, OK 73102 (405) 239-7711</p> <p>Ryan Polchinski Andrew Polchinski Law Offices of Daniel M. Davis 300 N. Walnut Ave. Oklahoma City, OK 73104 (405) 235-4000</p>	It is anticipated Mr. Mackey will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233, as well as the nature and extent of the injuries and damages he claims therein.	May be called
2.	Daniel "Dan" Louis Mackey, Jr.	<p>c/o James Scimeca Burch, George, Germany 204 N. Robinson Ave., Ste. 1500 Oklahoma City, OK 73102 (405) 239-7711</p> <p>Ryan Polchinski Andrew Polchinski Law Offices of Daniel M. Davis 300 N. Walnut Ave. Oklahoma City, OK 73104 (405) 235-</p>	It is anticipated Mr. Mackey will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233, as well as the nature and extent of the injuries and damages he claims therein.	May be called

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3.	Cynthia Mackey Renee	c/o James Scimeca Burch, George, Germany 204 N. Robinson Ave., Ste. 1500 Oklahoma City, OK 73102 (405) 239-7711 Ryan Polchinski Andrew Polchinski Law Offices of Daniel M. Davis 300 N. Walnut Ave. Oklahoma City, OK 73104 (405) 235-4000	It is anticipated Ms. Mackey will testify as to her knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233, as well as the nature and extent of the injuries and damages he claims therein.	May be called
4.	Michael Max, Safety Director for Silver Star Construction Company, Inc.	c/o J. Chris Horton J. Chris Horton, PC P.O. Box 576 El Reno, OK 73036 (405) 317-4423	Mr. Max will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233 as well as the Hauling Agreement entered into with Fredy Valle d/b/a Valle Trucking and the agreements set forth therein. May also testify concerning the Certificates of Insurance provided by	May be called

			insurance carriers of Valle Trucking.	
5.	Craig W. Parker, CEO for Silver Star Construction Company, Inc.	c/o J. Chris Horton J. Chris Horton, PC P.O. Box 576 El Reno, OK 73036 (405) 317-4423	Mr. Parker will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233 as well as the Hauling Agreement entered into with Fredy Valle d/b/a Valle Trucking and the agreements set forth therein. May also testify concerning the Certificates of Insurance provided by insurance carriers of Valle Trucking.	May be called
6.	Israel Juarez	c/o Mark Warman Levinson, Smith & Huffman 1743 E. 71 st Tulsa, OK 74136	It is anticipated Mr. Juarez will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233.	May be called
7.	Jesus Ordonez	c/o Rodney D. Stewart Stewart Law Firm 801 N.W. 63 rd St., Ste. 100 Oklahoma City, OK 73116 (405) 601-6060	It is anticipated that Mr. Ordonez will testify as a representative of ORD Trucking, Inc., as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in	

			the underlying action in Payne County District Court, Case No. CJ-2020-233.	
8.	ORD Trucking, Inc.	c/o Rodney D. Stewart Stewart Law Firm 801 N.W. 63 rd St., Ste. 100 Oklahoma City, OK 73116 (405) 601-6060	It is anticipated a representative of ORD Trucking, Inc. will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233	May be called
9.	Fredy N. Valle Sr. d/b/a Valle Trucking	13104 Regal Vintage Rd. Oklahoma City, OK 73170 (405) 501-8005	It is anticipated Fredy N. Valle Sr. and/or a representative of Valle Trucking will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233 as well as his knowledge of the subject Hauling Agreement entered into with Silver Star Construction Company, Inc., and the agreements set forth therein.	May be called

10.	Jaramit Monge	13104 Regal Vintage Rd. Oklahoma City, OK 73170 (405) 501-8005	It is anticipated Jaramit Monge and/or a representative of Valle Trucking will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233 as well as his knowledge of the subject Hauling Agreement entered into with Silver Star Construction Company, Inc., and the agreements set forth therein.	May be called
11.	Great Lakes Insurance SE	c/o Michael Linscott Emily Williams Doerner Saunders Daniel & Anderson 210 Park Avenue, Ste. 1200 Oklahoma City, OK 73102 (405) 319-3500	It is anticipated a representative of Great Lakes Insurance SE will testify as to the issuance of the Great Lakes Policy to Fredy Valle d/b/a Valle Trucking, LLC and Certificates of Insurance issued under said policy, as well as to his knowledge of the facts, circumstances, and allegations raised by Great Lakes' Complaint for Declaratory Judgment and ZAIC's Answer and Counterclaim filed in the instant action regarding Great Lakes' contractual duty to indemnify Silver Star, ZAIC's insured, under Great Lakes' policy.	May be called

12.	Progressive Northern Insurance Company	c/o Christopher King Brad Bowlby Starr, Begin & King, PLLC 1800 S. Baltimore Ave., Ste. 550 Tulsa, OK 74119 (918) 872-03734	It is anticipated a representative of Progressive Northern Insurance Company will testify as to the issuance of the Progressive Policy and the Certificate of Insurance issued under said policy, as well as to his knowledge of the facts, circumstances, and allegations raised by ZAIC's Third-Party Complaint for Declaratory Judgment filed in the instant action regarding Progressive's contractual duty to indemnify Silver Star, ZAIC's insured, under Progressive's policy.	May be called
13.	Julie Kenny	c/o Christopher King Brad Bowlby Starr, Begin & King, PLLC 1800 S. Baltimore Ave., Ste. 550 Tulsa, OK 74119 (918) 872-03734	It is anticipated Ms. Kenny will testify as to the issuance of the Progressive Policy and the Certificate of Insurance issued under said policy, as well as to his knowledge of the facts, circumstances, and allegations raised by ZAIC's Third-Party Complaint for Declaratory Judgment filed in the instant action regarding Progressive's contractual duty to indemnify Silver Star, ZAIC's insured, under Progressive's policy.	May be called

14.	Eric Barnes	c/o Christopher King Brad Bowlby Starr, Begin & King, PLLC 1800 S. Baltimore Ave., Ste. 550 Tulsa, OK 74119 (918) 872-03734	It is anticipated Mr. Barnes will testify as to the issuance of the Progressive Policy and the Certificate of Insurance issued under said policy, as well as to his knowledge of the facts, circumstances, and allegations raised by ZAIC's Third-Party Complaint for Declaratory Judgment filed in the instant action regarding Progressive's contractual duty to indemnify Silver Star, ZAIC's insured, under Progressive's policy.	May be called
15.	Officer Stanbery John	Stillwater Police Department 723 S. Lewis Street Stillwater, OK 74074 405-372-4171	It is anticipated Officer Stanbery will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233 as well as his knowledge concerning the investigation of the accident involving Tylon Mackey.	May be called
16.	Officer Merrill Kurt	Stillwater Police Department 723 S. Lewis Street Stillwater, OK 74074 405-372-4171	It is anticipated Officer Merrill will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District	May be called

			Court, Case No. CJ-2020-233 as well as his knowledge concerning the investigation of the accident involving Tylon Mackey.	
17.	Isaac M. Rosenthal	920 S. Murphy, #12203 Stillwater, OK 74074 817-798-9146	It is anticipated Mr. Rosenthal will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233.	May be called
18.	Gary E. Eperjesi	4599 N. Washington, #25F Stillwater, OK 74074 580-297-1646	It is anticipated Mr. Eperjesi will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233.	May be called
19.	Lindsey A. Morgan	1131 Chandler Stillwater, OK 74074 405-714-2888	It is anticipated Ms. Morgan will testify as to his knowledge of the facts, circumstances, and allegations raised by Plaintiff's Second Amended Petition filed in the underlying action in Payne County District Court, Case No. CJ-2020-233.	May be called

20.	Any physician or healthcare provider that treated Tylon Mackey for injuries from the September 4, 2019 motor vehicle accident.		It is anticipated said medical providers will testify as to their knowledge of Tylon Mackey's injuries, medical treatment, medical expenses, and prognosis relating to the September 4, 2019 motor vehicle accident.	May be called
21.	Witnesses identified by Great Lakes in its responses to discovery requests.			May be called
22.	Witnesses identified by Progressive in its responses to discovery requests.			May be called
23.	Witnesses listed by ZAIC which are not objected to Silver Star.			May be called
24.	Witnesses identified by ongoing discovery in this action.			May be called
25.	Witnesses identified by ongoing discovery in the underlying action.			May be called
26.	Witnesses that have yet to be identified, including experts.			May be called
27.	Witnesses listed by other parties which are not objected to by Silver Star.			May be called
28.	Custodians of any medical records, medical billing or other record as required.			May be called
29.	Any additional witness that becomes known through the course of discovery.			May be called
30.	All witnesses necessary for rebuttal or impeachment			May be called

31.	All witnesses necessary to authenticate or sponsor any exhibit	May be called
32.	Silver Star reserves the right to endorse additional witnesses identified during completion of discovery.	May be called

Respectfully Submitted,

/s/ James A. Scimeca

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 TYLON MACKEY

And

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 (405) 235-4000
 ATTORNEY FOR DEFENDANT
 TYLON MACKEY

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September 2023, a true and correct copy of the foregoing document was served upon the following via the Court's electronic notification system:

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s/James A. Scimeca
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